

AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH
AMENDING CHAPTERS 13.54 and 12.32 OF THE HUNTINGTON BEACH
MUNICIPAL CODE RELATING TO 4TH OF JULY PARADE VIEWING

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. That Chapter 13.54 of the Huntington Beach Municipal Code is hereby amended by deleting Section 13.54.200 thereof in its entirety.

SECTION 2. That Section 12.32.010 of Chapter 12.32 of the Huntington Beach Municipal Code is hereby amended read as follows:

12.32.010 Loitering obstructing free passage. Except as provided in Section 12.32.015 herein, no person, after first being warned by a law enforcement officer, or where a sign or signs have been posted in accordance with this chapter, shall loiter, stand, sit or lie in or upon any public or quasi public sidewalk, street, curb, crosswalk, walkway area, mall or that portion of private property utilized for public use, so as to hinder or obstruct unreasonably the free passage of pedestrians thereon; neither shall any person block nor obstruct, nor prevent the free access to the entrance to any building open to the public.

SECTION 2. That Chapter 12.32 of the Huntington Beach Municipal Code is hereby amended to add Section 12.32.015, said section read as follows:

12.32.015 Fourth of July Parade viewing.

- (a) No person shall place on any public property, furniture, stakes, rope, ribbon, signs or any other item used to reserve areas for parade viewing before 7:00 a.m. on July 3rd.
- (b) No materials used to reserve areas of public property shall block or interfere with pedestrian or vehicular traffic, or block those portions of sidewalks and streets used for the same prior to 6:00 a.m. on July 4th.
- (c) Adhesive material, including adhesive tape, is prohibited for use in reserving space for parade viewing. This prohibition includes, but is not limited to, the use of tape or other adhesives on trees, poles and signs.
- (d) No person shall sell, lease, or rent any seat or space on public property.
- (e) No person may use any area of public property so as to interfere with any person's viewing of the parade from a City authorized and approved grandstand.
- (f) All materials used to designate a private viewing area as described in this section shall be removed by 3:00 p.m. on July 4th.

SECTION 3. This ordinance shall become effective 30 days after its adoption.

Approved for Introduction 2/2/05

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PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2005.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Jennifer McGeath

City Attorney 2/8/05

REVIEWED AND APPROVED:

Penelope Cullum

City Administrator

INITIATED AND APPROVED:

Jennifer McGeath

City Attorney 2/8/05

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LEGISLATIVE DRAFTChapter 12.32SIDEWALKS--OBSTRUCTING

(69-11/10, 1516-9/69, 1625-3/71, 1784-12/72, 3228-4/94, 3294-8/95)

Sections:

- 12.32.010 Loitering obstructing free passage
- 12.32.015 Fourth of July Parade viewing**
- 12.32.020 Animals or vehicles
- 12.32.030 Signs
- 12.32.040 Driving over unprotected sidewalk
- 12.32.050 Paved sidewalk crossing excepted
- 12.32.060 Prohibited Acts
- 12.32.070(a) Definition -- "Aggressive Manner"
- 12.32.070(b) Definition -- "Ask, Beg, or Solicit Alms"
- 12.32.080 No restriction on free speech
- 12.32.090 Severability
- 12.32.100 Nuisance

12.32.010 Loitering obstructing free passage. **Except as provided in Section 12.32.015 herein,** no person, after first being warned by a law enforcement officer, or where a sign or signs have been posted in accordance with this chapter, shall loiter, stand, sit or lie in or upon any public or quasi public sidewalk, street, curb, crosswalk, walkway area, mall or that portion of private property utilized for public use, so as to hinder or obstruct unreasonably the free passage of pedestrians thereon; neither shall any person block nor obstruct, nor prevent the free access to the entrance to any building open to the public. (1516-9/69, 1625-3/71)

12.32.015 Fourth of July Parade viewing.

- (a) No person shall place on any public property, furniture, stakes, rope, ribbon, signs or any other item used to reserve areas for parade viewing before 7:00 a.m. on July 3rd.**
- (b) No materials used to reserve areas of public property shall block or interfere with pedestrian or vehicular traffic, or block those portions of sidewalks and streets used for the same prior to 6:00 a.m. on July 4th.**
- (c) Adhesive material, including adhesive tape, is prohibited for use in reserving space for parade viewing. This prohibition includes, but is not limited to, the use of tape or other adhesives on trees, poles and signs.**
- (d) No person shall sell, lease, or rent any seat or space on public property.**
- (e) No person may use any area of public property so as to interfere with any person's viewing of the parade from a City authorized and approved grandstand.**
- (f) All materials used to designate a private viewing area as described in this section shall be removed by 3:00 p.m. on July 4th.**

12.32.020 Animals or vehicles. No person, after first being warned by a law enforcement officer, or where a sign or signs have been posted in accordance with the provisions of this chapter, shall ride, operate, walk or park any motorcycle, horse or other similar object or animal, in or upon any public or quasi public sidewalk, street, curb, crosswalk, walkway area, mall or

that portion of private property utilized for public use, so as to hinder or to obstruct unreasonably the free passage of pedestrians thereon, or to create any hazardous condition thereon. (1625-3/71, 1784-12/72)

12.32.030 Signs. Signs posted as provided in this chapter shall conform to the following requirements:

- (a) Each sign shall not be less than 22 by 30 inches;
- (b) Colors of such signs shall be optional;
- (c) All signs shall be clearly visible to persons in restricted locations;
- (d) Signs shall have the word "WARNING" two inches in height, and all other lettering shall be at least 5/8 inches in height;
- (e) Signs shall be posted every one hundred feet;
- (f) The following wording shall appear on each sign:

"WARNING

‘Unreasonable obstruction of pedestrian traffic in this area by persons loitering, standing, sitting, lying or by riding, operating, walking or parking any motorcycle, bicycle, horse or similar objects or animals is prohibited and punishable as a MISDEMEANOR.’
Huntington Beach Municipal Code Chapter 12.32, Huntington Beach Police Department
536-5933." (1625-3/71)

12.32.040 Driving over unprotected sidewalk. No person shall drive any wagon or other vehicle over, along or across any cement or other improved sidewalk or curb unless planking is laid thereon in such manner as to protect such sidewalk or curb. (69-11/10)

12.32.050 Paved sidewalk crossing excepted. The provisions of section 12.32.040 shall not apply to the driving of vehicles over sidewalks or curbs at places where cement or asphalt crossings are constructed across such sidewalks and curbs. (69-11/10)

12.32.060 Prohibited Acts. No person shall ask, beg, or solicit alms in an aggressive manner in any place open to the general public, whether publicly or privately owned, including but not limited to any sidewalks, streets, alleys, driveways, parking lots, parks, plazas, buildings, doorways and entrances to buildings, gasoline service stations, and the grounds around or enclosed by buildings. (3228-4/94)

12.32.070(a) Definition. "Aggressive manner" means approaching, speaking to, or following a person in a manner as would cause a reasonable person to fear bodily harm or the commission of a criminal act upon the person, or upon property in the person's immediate possession; or (3228-4/94)

- (a) Touching another person without such person's consent in the course of asking, begging or soliciting alms; or (3228-4/94)
- (b) Continuing to ask, beg, or solicit alms from a person after such person has made a negative response or otherwise indicated a desire not to contribute; or (3228-4/94)
- (c) Intentionally blocking or interfering with the safe or free passage of the person solicited by any means, including causing such person to take evasive action to avoid physical contact or preventing such person from departing the location of the solicitation; or (3228-4/94)

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- (d) Intentionally following the person solicited, without such person's consent, for the purpose of continuing to ask, beg or solicit alms after such person has made a negative response or indicated a desire not to contribute; or (3228-4/94)
- (e) Making any statement, gesture, or other communication which a reasonable person in the situation of the person solicited would perceive to be a threat of bodily harm; or (3228-4/94)
- (f) Rendering any service to a motor vehicle, including but not limited to any cleaning, washing, protecting, guarding or repairing of said vehicle or any portion thereof, without the prior consent of the owner, operator or occupant of such vehicle, and thereafter asking, begging or soliciting alms or payment for the performance of such service, regardless of whether such vehicle is stopped, standing or parked on a public street or upon other public or private property; or (3228-4/94)
- (g) Intentionally blocking, preventing, impeding or interfering with the free and unobstructed ability of the person solicited to enter into or emerge from any vehicle during the course of asking, begging or soliciting alms or following a negative response by the person solicited to any such solicitation; or (3228-4/94)
- (h) Intentionally blocking, preventing, impeding or interfering with the operation or movement of any vehicle operated or occupied by the person solicited, during the course of asking, begging or soliciting alms or following a negative response by the person solicited to any such solicitation. (3228-4/94)

12.32.070(b) Definition. "Ask, Beg, or Solicit Alms" includes the spoken written, or printed word or such other act conducted for the purpose of obtaining an immediate donation of money or thing of value, whether for personal use, or as a charitable contribution to any individual or organization, or for any other purpose. (3228-4/94)

12.32.080 No restriction on free speech. This ordinance is not intended to restrict the exercise of protected free speech. (3228-4/94)

12.32.090 Severability. The City Council of the City of Huntington Beach hereby declares that should any section, paragraph, sentence or word of this ordinance of the Code, hereby adopted, be declared for any reason to be invalid, it is the intent of the Council that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid. (3228-4/94)

12.32.100 Nuisance. It shall be deemed a public nuisance for any person, after first being warned by a law enforcement officer, or where a sign has been posed in accordance with this chapter, to loiter, stand, sit or lie in or upon any public or quasi-public sidewalk, street, curb, crosswalk, walkway area, mall or that portion of private property utilized for public use, so as to hinder or obstruct unreasonable the free passage of pedestrians thereon. It shall be a public nuisance for any person to block or obstruct, or prevent the free access to the entrance to any building open to the public. (3294-8/95)

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